

FISHERIES ADMINISTRATIVE RULE CHANGES

These rule changes became effective on February 1, 2007.

The proposed changes are summarized as follows:

1. Add shovelnose sturgeon to the list of definitions.
2. Define “fork length” for the measurement of shovelnose sturgeon. This definition is needed to clarify how shovelnose sturgeon should be measured since the tail fin is lobed and the measurement must be taken at the fork of the tail.
3. Redefine areas closed to fishing as April 15 (instead of April 20) to the last Saturday in April and add nine streams to this list. These are the streams that receive most of the rainbow trout stocked by DNR for opening day and the closures will protect the stocked fish and allow time to complete the stockings prior to opening day.
4. Allow bowfishing (day or night) for specified nongame fish at 8 large stream reaches that are already identified in rule for gigging and spearing purposes. Currently, bowfishing is allowed day or night on lakes but only during the day on streams. This difference appears to be unnecessary and overly restrictive. Remove the reference to pitchforks as a legal means of taking fish since there is no known justification for this rule and few if any people who utilize it.
5. Remove Delaney Park Lake in Washington County from the list of 12-15” slot limit lakes (bass within this size range must be released). The slot limit was put in place there in 1992 and has done its job of rebuilding a healthy bass population. This change would return the lake to a 14 inch minimum size limit for bass which is now needed to maintain the bass population.
6. Place an 18” size limit and two fish bag limit on bass at J.C. Murphey Lake at Willow Slough FWA. This lake was renovated in 2004 and this special regulation is proposed to improve the long-term quality of bass fishing at this heavily-fished DNR lake.
7. Cancel the “no harvest” restriction on bass at Dove Hollow Lake at Glendale FWA. This 25-acre lake was the site for a research project that studied quality bass management strategies. The “no harvest” study is completed and for numerous reasons, did not provide the results sought. The proposed change would allow bass to be taken that are 14 inches or more and provide additional angler harvest opportunities while maintaining quality bass fishing.
8. Establish a protected 12-15” slot limit on bass (primarily smallmouth bass) at the Blue River in Crawford, Harrison and Washington counties. Stipulate that no more than two of the daily bag limit of five bass may be fish longer than 15." This proposal is the result of a 5-year research study that has indicated that the current 12 inch size limit is creating too many small slow-growing bass and changes are needed to improve the quality of the Blue River's smallmouth bass population.
9. Establish a 20” minimum bass size limit and a one fish daily bag limit on Sugar Creek throughout its entire length in Parke, Montgomery, Boone, Clinton and Tipton counties. This proposal is the result of a 5-year study that indicated excellent smallmouth bass growth rates and the potential for growing more big bass if more restrictive harvest limits were in place. Additionally, much of this stream is under a fish consumption advisory that recommends that no fish be eaten. This proposal and the one for Blue River would allow the DNR to evaluate alternative regulatory strategies for improving stream bass fishing, for which there is much public support.

10. Establish a “catch and release only” season for inland trout on streams only from January 1 through April 14. This period is essentially the current closed season (and unnecessary for resource protection purposes). Numerous anglers and trout fishing groups have requested this “catch and release” season, which would encourage fishing participation while protecting brown trout stocked by trout clubs.

11. Establish a brown trout bag limit of one fish (out of the daily bag limit of five trout) statewide with the exception of three named stream segments in Elkhart County where a “catch-and-release only” designation would be established. These segments on the Little Elkhart River, Solomon Creek and Cobus Creek would total 2.8 miles. These same segments would also be designated artificial lures or flies only. This proposal is based on specific written input developed in cooperation with the Elkhart County Conservation Club, the St. Joseph River Valley Flyfishers and the Northeast Indiana Trout Association over the past two years.

12. Establish an aggregate daily bag limit of 25 for bluegill, redear and crappie at J.C. Murphey Lake at Willow Slough FWA. This proposal is related to the quality bass management proposal (#7) to emphasize quality vs. quantity fishing at this popular DNR lake. It has been necessary to drain and restock this large lake several times in the past 50 years. This is an expensive undertaking. The aim with these special regulations is to evaluate their effectiveness in improving and extending the benefits of total lake renovation projects.

13. Establish a 25” minimum fork length size limit on shovelnose sturgeon for both sport and commercial fishing. Shovelnose sturgeon are a slow growing, late maturing fish species that has the potential to suffer significant and perhaps unrecoverable population declines if harvest remains unregulated. Populations have been lost in other states and harvest is expected to continue to escalate with increasing demand for shovelnose sturgeon eggs (caviar). This proposal is consistent with an identical size limit Illinois is expected to enact on their portion of the Wabash River this July.

14. Define an open season for commercial harvest of shovelnose sturgeon (October 1 through May 31) on public waters other than the Ohio River. This season is consistent with the new season that Illinois is expected to enact on the Wabash River this year. Also update the name of Uniontown Dam to “John T. Myers Dam” and correct the description of the area downstream of this dam that is closed to fishing by stating “downstream *to* (not *of*) the outer lock wall...”

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #06-262

DIGEST

Amends 312 IAC 9-6-1, 312 IAC 9-6-2, 312 IAC 9-6-6, 312 IAC 9-7-2, 312 IAC 9-7-6, 312 IAC 9-7-13, 312 IAC 9-7-14, 312 IAC 9-8-2, and 312 IAC 9-8-6 and adds 312 IAC 9-7-20, concerning fish and wildlife rules pertaining to fish management, to include definitions pertaining to fish and fishing activities; fish measurement; areas closed to fishing; sport fishing methods, except on the Ohio River; black bass; trout and salmon; fish with no bag limit, possession limit, or size limit; shovelnose sturgeon; commercial fishing, except on the Ohio River; and commercial fishing on the Ohio River. Effective 30 days after filing with the Publisher.

312 IAC 9-6-1; 312 IAC 9-6-2; 312 IAC 9-6-6; 312 IAC 9-7-2; 312 IAC 9-7-6; 312 IAC 9-7-13; 312 IAC 9-7-14; 312 IAC 9-7-20; 312 IAC 9-8-2; 312 IAC 9-8-6

SECTION 1. 312 IAC 9-6-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-1 Definitions pertaining to fish and fishing activities

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-34-12

Sec. 1. In addition to the definitions ~~contained~~ in 312 IAC 9-1, the following definitions apply throughout 312 IAC 9-7, 312 IAC 9-8, and 312 IAC 9-10:

- (1) "Alewife" means the species *Alosa pseudoharengus*.
- (2) "American eel" means the species *Anguilla rostrata*.
- (3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in:
 - (A) aquariums;
 - (B) tanks; or
 - (C) other continuing exhibits.
- (4) "Atlantic salmon" means the species *Salmo salar*.
- (5) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.
- (6) "Bighead carp" means the species *Hypophthalmichthys nobilis*.
- (7) "Black bass" means the species:
 - (A) *Micropterus salmoides*;
 - (B) *Micropterus dolomieu*; and
 - (C) *Micropterus punctulatus*.
- (8) "Black carp" means the species *Mylopharyngodon piceus*.
- (9) "Black crappie" means the species *Pomoxis nigromaculatus*.
- (10) "Blue catfish" means the species *Ictalurus furcatus*.
- (11) "Bluegill" means the species *Lepomis macrochirus*.
- (12) "Bluntnose minnow" means the species *Pimephales notatus*.
- (13) "Bowfin" means the species *Amia calva*.
- (14) "Brook trout" means the species *Salvelinus fontinalis*.
- (15) "Brown trout" means the species *Salmo trutta*.
- (16) "Buffalo" means the genus *Ictiobus*.
- (17) "Bullhead" means the species:
 - (A) *Ictalurus melas*;
 - (B) *Ictalurus nebulosus*; and
 - (C) *Ictalurus natalis*.
- (18) "Burbot" means the species *Lota lota*.
- (19) "Carp" means the species *Cyprinus carpio*.
- (20) "Cast net" means a net:
 - (A) not more than ten (10) feet in diameter; and
 - (B) having stretch mesh not larger than three-fourths ($\frac{3}{4}$) inch.
- (21) "Cavefish" means a fish of the family Amblyopsidae.
- (22) "Chain pickerel" means the species *Esox niger*.
- (23) "Channel catfish" means the species *Ictalurus punctatus*.
- (24) "Chinook salmon" means the species *Oncorhynchus tshawytscha*.
- (25) "Chub" means the species:
 - (A) *Coregonus hoyi*; and ~~the species~~
 - (B) *Coregonus kiyi*.

- (26) "Cisco" means the species *Coregonus artedii*.
- (27) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
- (28) "Coho salmon" means the species *Oncorhynchus kisutch*.
- (29) "Crappie" means:
- (A) white crappie; and
 - (B) black crappie.
- (30) "Dip net" means a dip net:
- (A) not exceeding three (3) feet square;
 - (B) without sides or walls; and
 - (C) having stretch mesh not larger than one-half (1/2) inch.
- (31) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
- (32) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
- (33) "Exotic fish" means:
- (A) an exotic catfish;
 - (B) a bighead carp;
 - (C) a black carp;
 - (D) a silver carp;
 - (E) a white perch;
 - (F) a snakehead;
 - (G) a rudd;
 - (H) a ruffe;
 - (I) a tubenose goby;
 - (J) a round goby; or
 - (K) a hybrid or genetically altered fish of any of these species.
- (34) "Fathead minnow" means the species *Pimephales promelas*.
- (35) "Flathead catfish" means the species *Pylodictis olivaris*.
- (36) "Freshwater drum" means the species *Aplodinotus grunniens*.
- (37) "Gaff" or "gaff hook" means an implement:
- (A) of metal or another hard or tough material;
 - (B) with or without barbs;
 - (C) making a single hook having a shank with or without a handle; ~~which and~~
 - (D) **that** may be hand held to seize, hold, or sustain fish.
- (38) "Gar" means the genus *Lepisosteus*.
- (39) "Genetically altered fish" means a fish ~~which that~~ is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
- (40) "Gizzard shad" means the species *Dorosoma cepedianum*.
- (41) "Golden shiner" means the species *Notemigonus crysoleucas*.
- (42) "Goldfish" means the species *Carassius auratus*.
- (43) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
- (44) "Grass carp" means the genus *Ctenopharyngodon*.
- (45) "Green sunfish" means the species *Lepomis cyanellus*.
- (46) "Hybrid striped bass" means the hybrid of striped bass and white bass.
- (47) "Hybrid sunfish" means a hybrid of the genus *Lepomis*.
- (48) "Lake herring" means the species *Coregonus artedii*.
- (49) "Lake sturgeon" means the species *Acipenser fulvescens*.
- (50) "Lake trout" means the species *Salvelinus namaycush*.
- (51) "Lake whitefish" means the species *Coregonus clupeaformis*.
- (52) "Largemouth bass" means the species *Micropterus salmoides*.
- (53) "Minnow seine" means a seine or net:
- (A) not more than twelve (12) feet long and four (4) feet deep; and

- (B) having stretch mesh not larger than one-half (1/2) inch.
- (54) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.
- (55) "Mosquitofish" means the species *Gambusia affinis*.
- (56) "Muskellunge" means the species *Esox masquinongy*.
- (57) "Northern pike" means the species *Esox lucius*.
- (58) "Quagga mussel" means the species *Dreissena bugensis*.
- (59) "Paddlefish" means the species *Polyodon spathula*.
- (60) "Rainbow trout" means the species *Oncorhynchus mykiss*.
- (61) "Redear sunfish" means the species *Lepomis microlophus*.
- (62) "Rock bass" means the species *Ambloplites rupestris*.
- (63) "Rough fish" means any species of fish not defined as a sport fish or protected under IC 14-22-34-12.
- (64) "Round goby" mean the species *Neogobius melanostomus*.
- (65) "Rudd" means the species *Scardinius erythrophthalmus*.
- (66) "Ruffe" means the species *Gymnocephalus cernuus*.
- (67) "Sauger" means the species *Stizostedion canadense*.
- (68) "Saugeye" means the hybrid of walleye and sauger.
- (69) "Shad" means the genera:
- (A) *Alosa*; and
 - (B) *Dorosoma*.
- (70) "Shovelnose sturgeon" means the species *Scaphirhynchus platyrhynchus*.**
- ~~(70)~~ (71) "Silver carp" means the species *Hypophthalmichthys molitrix*.
- ~~(71)~~ (72) "Single hook" means a fishing hook consisting of:
- (A) one (1) shank; and
 - (B) one (1) point.
- ~~(72)~~ (73) "Smallmouth bass" means the species *Micropterus dolomieu*.
- ~~(73)~~ (74) "Smelt" means the genus *Osmerus*.
- ~~(74)~~ (75) "Snakehead" means all species of the family Channidae, including the genera:
- (A) *Channa*; and
 - (B) *Parachanna*.
- ~~(75)~~ (76) "Sockeye salmon" means the species *Oncorhynchus nerka*.
- ~~(76)~~ (77) "Sport fish" means **any of the following:**
- (A) Largemouth bass.
 - (B) Smallmouth bass.
 - (C) Spotted bass.
 - (D) Rock bass.
 - (E) White crappie.
 - (F) Black crappie.
 - (G) Walleye.
 - (H) Sauger.
 - (I) Saugeye.
 - (J) Striped bass.
 - (K) White bass.
 - (L) Hybrid striped bass.
 - (M) Yellow bass.
 - (N) Muskellunge.
 - (O) Tiger muskellunge.
 - (P) Northern pike.
 - (Q) Chain pickerel. ~~and~~
 - (R) Trout or salmon.
- ~~(77)~~ (78) "Spotted bass" means the species *Micropterus punctulatus*.

~~(78)~~ (79) "Steelhead" means the species *Oncorhynchus mykiss*.

~~(79)~~ (80) "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.

~~(80)~~ (81) "Striped bass" means the species *Morone saxatilis*.

~~(81)~~ (82) "Sucker" means the **following** genera:

- (A) Carpiodes.
- (B) Moxostoma.
- (C) Hypentelium.
- (D) Catostomus. ~~and~~
- (E) Erimyzon.

~~(82)~~ (83) "Tiger muskellunge" means the hybrid of muskellunge and northern pike.

~~(83)~~ (84) "Tilapia" means all species of the genus *Tilapia*.

~~(84)~~ (85) "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.

~~(85)~~ (86) "Trout or salmon" means **the following**:

- (A) Lake trout.
- (B) Coho salmon.
- (C) Chinook salmon.
- (D) Sockeye salmon.
- (E) Brown trout.
- (F) Steelhead (or rainbow trout).
- (G) Brook trout. ~~and~~
- (H) Atlantic salmon.

~~(86)~~ (87) "Tubenose goby" means the species *Proterorhinus marmoratus*.

~~(87)~~ (88) "Walleye" means the species *Stizostedion vitreum*.

~~(88)~~ (89) "Warmouth" means the species *Lepomis gulosus*.

~~(89)~~ (90) "White bass" means the species *Morone chrysops*.

~~(90)~~ (91) "White catfish" means the species *Ictalurus catus*.

~~(91)~~ (92) "White perch" means the species *Morone americana*.

~~(92)~~ (93) "White crappie" means the species *Pomoxis annularis*.

~~(93)~~ (94) "Yellow bass" means the species *Morone mississippiensis*.

~~(94)~~ (95) "Yellow perch" means the species *Perca flavescens*.

~~(95)~~ (96) "Zebra mussel" means the species *Dreissena polymorpha*.

(Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3866; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 2. 312 IAC 9-6-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-2 Fish measurement

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) **Except as provided in subsection (b),** the measurement of the length of a fish ~~shall~~ **must** be taken in a straight line from the tip of the snout with the mouth closed to the utmost end of the caudal (tail) fin when the fin is compressed so that the upper and lower lobes of the fin touch or overlap.

(b) **The measurement of the fork length of shovelnose sturgeon must be taken in a straight line from the tip of the snout to the fork of the tail fin.**

(Natural Resources Commission; 312 IAC 9-6-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 3. 312 IAC 9-6-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-6 Areas closed to fishing

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 6. A person must not take or possess fish at any of the following locations:

(1) From April 1 through June 15 from **the following:**

(A) The east branch of the Little Calumet River in Porter County from U.S. 12 upstream to U.S. 20, excluding its tributaries. ~~and~~

(B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.

(2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (northeast quarter of section 32, township 37 north, range 6 west).

(3) From the East Race waterway in the city of South Bend in St. Joseph County.

(4) From the St. Joseph River in St. Joseph County:

(A) within one hundred (100) feet of the entrance or exit of the East Race waterway;

(B) from the fish ladders located at the South Bend dam in the city of South Bend or the Downtown Mishawaka dam in the city of Mishawaka;

(C) within one hundred (100) feet of the entrances and exits of those fish ladders located at the South Bend dam or the Downtown Mishawaka dam; and

(D) while fishing from a boat within two hundred (200) feet downstream of the South Bend dam or downstream of the Downtown Mishawaka dam to the Main Street bridge in the city of Mishawaka.

(5) From April 20 **15** to the last Saturday in April from **the following:**

(A) The Pigeon River (and Pigeon Creek) in LaGrange County from the Steuben County line to County Road 410 East (Troxel's bridge), but excluding the impoundment known as the Mongo Mill Pond.

(B) Harding Run, Curtis Creek, Bloody Run, and Graveyard Run (tributaries of the Pigeon River) in LaGrange County.

(C) Turkey Creek north of County Road 100 South in LaGrange County. ~~and~~

(D) Rainbow Pit located in the Pigeon River Fish and Wildlife Area approximately one and one-tenth (1.1) miles east of Ontario in LaGrange County.

(E) Little Elkhart River in LaGrange and Elkhart counties.

(F) Rowe-Eden Ditch in LaGrange and Elkhart counties.

(G) Solomon Creek in Elkhart County.

(H) Cobus Creek in Elkhart County.

(I) Little Kankakee River in LaPorte County from County Road 800E upstream to Division Road.

(J) Spy Run within Franke Park in Allen County.

(K) Mississinewa River within the boundaries of the Randolph County Wildlife Management Area.

(L) Big Blue River within the boundaries of Wilbur Wright State Fish and Wildlife Area in Henry County.

(M) Jackson Creek upstream of Yellowwood Lake in Brown County.

(Natural Resources Commission; 312 IAC 9-6-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 4. 312 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-2 Sport fishing methods, except on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) Except as provided under section 13 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

(b) An individual may take fish with the aid of illumination of **any of the following**:

- (1) A spotlight.
- (2) ~~A~~ searchlight. ~~or~~
- (3) ~~An~~ artificial light.

(c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsection (g), affixed to each line shall be ~~no~~ **not** more than two (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) A person must not take fish from:

- (1) waters containing state-owned fish;
 - (2) waters of this state; or
 - (3) boundary waters;
- by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) A person must not take trout or salmon from a waterway unless the fish is hooked in the mouth.

(f) A person must not fish with more than ten (10) limb lines or drop lines at a time. Each line:

- (1) shall have not more than one (1) hook affixed; ~~and~~
- (2) must bear a legible tag with the name and address of the user; ~~Each line and~~
- (3) shall be attended at least once every twenty-four (24) hours.

A limb line or drop line shall not be used within three hundred (300) yards of a dam that wholly or partly crosses a waterway.

(g) A person must not ice fish on waters of this state, except as follows:

- (1) A tip-up must:
 - (A) be constantly in sight of the user; and ~~must~~
 - (B) have affixed a legible tag bearing the name and address of the user.
- (2) An ice fishing shelter must visibly bear the name and address of the owner in three (3) inch block letters on the outside of the door.
- (3) A portable ice fishing shelter that is left unattended must visibly bear the name and address of the owner in three (3) inch block letters on an exterior wall.
- (4) An ice fishing shelter or portable shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.
- (5) An ice fishing shelter or portable shelter must be removed from the waters before ice-out.
- (6) Except from January 1 through February 15, an ice fishing shelter or portable shelter must be removed daily.

(h) A person must not take fish with more than one (1) trotline, set line, or throw line. A line must have ~~no~~ **not** more than fifty (50) hooks affixed. A trotline must be:

- (1) anchored to the bottom; or

(2) set not less than three (3) feet below the surface of the water.

A legible tag with the name and address of the user must be affixed to each trotline. Each trotline must be attended at least once every twenty-four (24) hours. It is unlawful to take fish from Lake Michigan with a trotline, set line, or throw line.

(i) A person must not take fish from a lake with free-float lines or to fish from a waterway with more than five (5) free-float lines. Not more than one (1) hook shall be affixed to each line. A float:

(1) shall bear the name and address of the user; and

(2) must not be constructed of glass.

Each free-float line must be in constant attendance by the person fishing.

(j) A person must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to any of the following:

(1) The Galena River (LaPorte County).

(2) Trail Creek (LaPorte County).

(3) The East Branch of the Little Calumet River (LaPorte and Porter counties).

(4) Salt Creek (Porter County).

(5) The West Branch of the Little Calumet River (Lake and Porter counties).

(6) Burns Ditch (Porter and Lake counties).

(7) Deep River downstream from the dam at Camp 133 (Lake County).

(8) The tributaries of these waterways.

(k) A person must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half ($\frac{1}{2}$) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths ($\frac{3}{8}$) inch from point to shank.

(l) A person must not take smelt from other than Lake Michigan and Oliver Lake in LaGrange County by the use of dip nets, seines, or nets except from March 1 through May 30 with either of the following:

(1) One (1) dip net not to exceed twelve (12) feet in diameter.

(2) One (1) seine or net:

(A) not to exceed twelve (12) feet long and six (6) feet deep; and

(B) having a stretch mesh larger than one and one-half ($1\frac{1}{2}$) inches.

Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, spear gun, **bow and arrow**, or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:

(1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.

(2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.

(3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike counties.

(4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.

(5) Tippecanoe River upstream from its junction with the Wabash River to one-half ($\frac{1}{2}$) mile below its junction with Big Creek in Carroll County. It is unlawful to possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half ($\frac{1}{2}$) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam that forms Lake Freeman.

- (6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.
- (7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.
- (8) St. Joseph River in St. Joseph and Elkhart counties.

~~(n) An individual may use a pitchfork or bow and arrow on a waterway only to take any sucker, carp, gar, bowfin, buffalo, or shad between sunrise and sunset.~~

~~(n)~~ (n) In addition to any other lawful method, an individual may take a sucker, carp, gar, bowfin, buffalo, or shad by:

- (1) bow and arrows from Lake Michigan; or
- (2) spear, gig, spear gun, underwater spear, ~~pitchfork~~, or bow and arrows from another lake.

~~(o)~~ (o) An individual may take a sucker, carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset.

(Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; errata filed Feb 26, 2002, 6:00 p.m.: 25 IR 2254; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547)

SECTION 5. 312 IAC 9-7-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-6 Black bass

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 6. (a) Except as otherwise provided in this section, the aggregate daily bag limit is five (5) black bass.

(b) The aggregate daily bag limit is three (3) for black bass taken from Lake Michigan. A person must not possess more than three (3) black bass while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, the minimum size limit for black bass taken from a waterway is twelve (12) inches but is fourteen (14) inches for black bass taken from lakes (including Lake Michigan).

(d) No minimum length limit for largemouth bass applies for the lakes listed in this subsection as follows:

- (1) Brownstown Pit in Jackson County.
- (2) Burdette Park Lakes in Vanderburgh County.
- (3) Chandler Town Lake in Warrick County.
- (4) Cypress Lake in Jackson County.
- (5) Deming Park Lakes in Vigo County.
- (6) Garvin Park Lake in Vanderburgh County.
- (7) Glen Miller Pond in Wayne County.
- (8) Hayswood Lake in Harrison County.
- (9) Henry County Memorial Park Lake in Henry County.
- (10) Hovey Lake in Posey County.
- (11) Krannert Lake in Marion County.

- (12) Lake Sullivan in Marion County.
- (13) Ruster Lake in Marion County.
- (14) Schnebelt Pond in Dearborn County.

(e) A person must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated waters:

- (1) Buffalo Trace Lake in Harrison County.
- (2) Celina Lake in Perry County.
- ~~(3) Delaney Park Lake in Washington County.~~
- ~~(4)~~ (3) Indian Lake in Perry County.
- ~~(5)~~ (4) Saddle Lake in Perry County.
- ~~(6)~~ (5) Scales Lake in Warrick County.
- ~~(7)~~ (6) Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.
- ~~(8)~~ (7) Tipsaw Lake in Perry County.
- ~~(9)~~ (8) Ferdinand State Forest Lake in Dubois County.
- ~~(10)~~ (9) Montgomery City Park Lake in Daviess County.

(f) The daily bag limit is one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. A person must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) A person must not take or possess a largemouth bass from **the following:**

- (1) Patoka Lake (Orange, Crawford, and Dubois counties) or Dogwood Lake (Daviess County) unless the largemouth bass is at least fifteen (15) inches long.
- ~~(h) A person must not take or possess a largemouth bass from~~ (2) Harden Lake (Parke County) unless the largemouth bass is at least sixteen (16) inches long.

~~(i)~~ (h) The daily bag limit is two (2) largemouth bass, and a person must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long from the following designated waters:

- (1) Tri-County State Fish and Wildlife Area.
- (2) Robinson Lake in Whitley County and Kosciusko County.
- (3) Ball Lake in Steuben County.
- (4) Gibson Lake in Gibson County.
- (5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.
- (6) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.
- (7) **J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.**

~~(j)~~ (i) A person must not take or possess a largemouth black bass from Dove Hollow Lake at Glendale State Fish and Wildlife Area. **unless the black bass is less than twelve (12) inches long or more than fifteen (15) inches long from the Blue River in Crawford, Harrison, and Washington counties.**

(j) **The aggregate daily black bass bag limit is five (5) of which not more than two (2) can be taken or possessed that are longer than fifteen (15) inches from the Blue River located in Crawford, Harrison, and Washington counties.**

(k) **A person must not take or possess a black bass from Sugar Creek (Parke, Montgomery, Boone, Clinton, and Tipton counties) unless the bass is at least twenty (20) inches long. The daily bag limit is one (1) black bass taken from Sugar Creek.**

~~(4)~~ **(1)** If this section prohibits a person from taking or possessing a black bass from a specified lake or waterway, a person must not possess a bass of the prohibited class on or adjacent to the lake or waterway. *(Natural Resources Commission; 312 IAC 9-7-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 549)*

SECTION 6. 312 IAC 9-7-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-13 Trout and salmon

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) A person must not possess a brook trout, rainbow trout, or brown trout unless the trout is as follows:

(1) Except as provided in ~~subsection~~ **subsections (d) and (e)**, at least seven (7) inches long.
(2) Taken from the last Saturday of April after ~~5~~ **6** a.m., local time, through December 31, if taken from other than a lake. A person must not fish for trout during the closed season **in streams, which is April 15 until 6 a.m. on the last Saturday in April.**

(b) Except as otherwise provided in this section, the daily bag limit is five (5) trout, **of which not more than one (1) may be a brown trout.**

(c) Except as provided in subsection (e), the daily bag limit is three (3) lake trout.

(d) A person must not possess a brown trout from Oliver Lake, Olin Lake, or Martin Lake (LaGrange County) or the East Fork of Whitewater River downstream of Brookville Reservoir (Franklin County) unless the trout is at least eighteen (18) inches long. ~~The daily bag limit is five (5) trout of which no more than one (1) shall be brown trout.~~

(e) A person must not possess a trout or salmon taken from Lake Michigan or its tributaries unless the fish is at least fourteen (14) inches long. The daily bag limit is five (5) for any combination of trout and salmon taken under this subsection, of which ~~no~~ **not** more than two (2) shall be lake trout. Exempted from this subsection, however, are trout taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) A person must not possess more than a single day's bag limit identified in subsection (e) while fishing on Lake Michigan.

(g) **A person may fish for trout from January 1 through April 14 on streams, provided that all trout are released in accordance with 312 IAC 9-6-4.**

(h) **The stream segments listed in this subsection in Elkhart County are designated as catch-and-release only for trout, and only artificial lures and artificial flies may be used to catch trout in these waters. All trout caught from the following waters must be released in accordance with 312 IAC 9-6-4, and fishing with live or natural baits, food products, or chemical attractants is prohibited:**

- (1) The Little Elkhart River from County Road 43 downstream to County Road 16, except for waters along Riverbend Park from County Road 16 upstream to the pedestrian footbridge.**
- (2) Solomon Creek from County Road 33 downstream to its confluence with the Elkhart River.**
- (3) Cobus Creek from Old U.S. 20 downstream to its confluence with the St. Joseph River.**

~~(e)~~ (i) The areas closed to trout and salmon fishing under this section are in addition to areas closed to all fishing under 312 IAC 9-6-6.

(Natural Resources Commission; 312 IAC 9-7-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3722; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550)

SECTION 7. 312 IAC 9-7-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-14 Fish with no bag limit, possession limit, or size limit

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 14. (a) There is no bag limit, possession limit, or size limit for the following:

- (1) Alewife.
- (2) American eel.
- (3) Bluegill.
- (4) Bowfin.
- (5) Buffalo.
- (6) Bullhead.
- (7) Carp.
- (8) Chain pickerel.
- (9) Chub.
- (10) Cisco.
- (11) Gar.
- (12) Gizzard shad.
- (13) Lake herring.
- (14) Lake whitefish.
- (15) Shad.
- (16) Smelt.
- (17) Sucker.
- (18) Yellow bass.

(b) Notwithstanding subsection (a), not more than twenty-five (25) of any combination of bluegill, redear sunfish, and crappie may be taken per day from J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.

(Natural Resources Commission; 312 IAC 9-7-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 8. 312 IAC 9-7-20 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-7-20 Shovelnose sturgeon

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 20. A person must not possess a shovelnose sturgeon unless the shovelnose sturgeon is at least twenty-five (25) inches in fork length.

(Natural Resources Commission; 312 IAC 9-7-20)

SECTION 9. 312 IAC 9-8-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-2 Commercial fishing except on the Ohio River; general provisions

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22-14-23

Sec. 2. (a) This section applies to commercial fishing on:

- (1) waters of this state;
- (2) boundary waters; or
- (3) waters containing state-owned fish;
other than the Ohio River.

(b) No person may take or sell fish except under this section and 312 IAC 9-10. A person may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;
where lawfully engaged in commercial fishing.

(c) A person subject to this section must not possess trout or salmon.

(d) A person must not possess or sell any of the following taken from the waters described in subsection (a):

- (1) Chubs.
- (2) Northern pike.
- (3) Chain pickerel.
- (4) Muskellunge.
- (5) Tiger muskellunge.
- (6) White bass.
- (7) Yellow bass.
- (8) Striped bass.
- (9) Hybrid striped bass.
- (10) Walleye.
- (11) Sauger.
- (12) Saugeye.
- (13) Smallmouth bass.
- (14) Largemouth bass.
- (15) Spotted bass.
- (16) Bluegill.
- (17) Redear sunfish.
- (18) Rock bass.
- (19) Crappie.
- (20) American eel.
- (21) Paddlefish.
- (22) Lake sturgeon.
- (23) Lake herring.
- (24) Blue catfish less than ten (10) inches long.
- (25) Channel catfish less than ten (10) inches long.
- (26) Flathead catfish less than ten (10) inches long.
- (27) Lake whitefish less than eighteen (18) inches long.

(28) Yellow perch.

(29) Shovelnose sturgeon taken on June 1 through September 30. Shovelnose sturgeon taken from October 1 through May 31 must be at least twenty-five (25) inches in fork length.

A person who possesses or sells a fish described in this subsection must comply with 312 IAC 9-10-2.

(e) This subsection governs the reporting of fish catches as follows:

(1) A license holder, other than a license holder on Lake Michigan, shall keep accurate daily records on a departmental form of the following:

(A) The pounds and species of fish caught.

(B) The number of pieces of each type of gear fished by date.

(C) The county fished.

The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not. The license holder shall allow on-board and dockside inspections of the gear and catch at any time by the director or the director's representative.

(2) A license holder on Lake Michigan must comply with the reporting requirements of IC 14-22-14-23 and section 3(g) of this rule.

(Natural Resources Commission; 312 IAC 9-8-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 10. 312 IAC 9-8-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-6 Commercial fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 6. (a) This section applies to commercial fishing on the Ohio River.

(b) No person shall take or sell fish except in accordance with this section and 312 IAC 9-10. A person may take fish with the aid of illumination of:

(1) a spotlight;

(2) a searchlight; or

(3) **an** artificial light;

where lawfully engaged in commercial fishing.

(c) A license holder under this section may take and sell all species of fish from the Ohio River except the following:

(1) Largemouth bass.

(2) Smallmouth bass.

(3) Spotted bass.

(4) Rock bass.

(5) White crappie.

(6) Black crappie.

(7) Walleye.

(8) Sauger.

(9) Saugeye.

(10) Striped bass.

(11) White bass.

(12) Hybrid striped bass.

(13) Yellow bass.

- (14) Muskellunge.
- (15) Northern pike.
- (16) Tiger muskellunge.
- (17) Chain pickerel.
- (18) Lake sturgeon.
- (19) Trout.
- (20) Salmon.

(21) Shovelnose sturgeon taken on June 1 through September 30. Shovelnose sturgeon taken from October 1 through May 31 must be at least twenty-five (25) inches in fork length.

(d) A license holder under this section must tag each item of gear so that a conservation officer may determine if the:

- (1) gear is properly licensed; and ~~the~~
- (2) license holder is complying with the law.

(e) No person shall possess a seine, net, or commercial trotline except as authorized for a commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

(f) Commercial fishing nets authorized under this section cannot be used on a bay or inlet of the Ohio River. A line drawn from point to point of a bay or inlet denotes the limits of the fishing zone. Commercial gear cannot be used within fifty (50) yards of the mouth of a stream. Commercial gear, except slat traps, cannot be used in the following locations:

- (1) ~~Uniontown~~ **John T. Myers** Dam downstream ~~of to~~ the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
- (2) Newburgh Dam downstream to the end of the outer lock wall.
- (3) Cannelton Dam downstream to the end of the outer lock wall.
- (4) McAlpine Dam downstream to the K and I railroad bridge.
- (5) Markland Dam downstream to the end of the outer lock wall.

(g) Each item of fishing gear in use must be tended not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed from the waters in which the item was fished immediately upon usage.

(h) Gear is authorized only as set forth as follows:

- (1) Lines and mesh must be made of:
 - (A) linen;
 - (B) cotton; or
 - (C) a flexible synthetic fiber.
- (2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:
 - (A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
 - (B) Hoops may be any size, shape, or material.
 - (C) The maximum length of the lead or wing is sixty (60) feet.
 - (D) One (1) tag must be attached to the front hoop of each net.
- (3) The following restrictions apply to a gill or trammel net:
 - (A) The minimum bar mesh size is four (4) inches.
 - (B) The nets referenced in this subdivision may be fished weighted or as a flag net.
 - (C) A tag must be attached to the net at intervals not less than one hundred (100) feet apart.
- (4) The following restrictions apply to a commercial trotline:

- (A) Each line must have more than fifty (50) hooks placed ~~no~~ **not** closer than eighteen (18) inches apart.
 - (B) One (1) tag must be attached.
 - (C) The trotline must be:
 - (i) not longer than three thousand (3,000) feet, including staging; and ~~must be~~
 - (ii) fished separately rather than tied in a continuous line.
 - (5) The following restrictions apply to a seine:
 - (A) A seine must have **the following**:
 - (i) A minimum bar mesh size of one (1) inch.
 - ~~(B) A seine must have~~ (ii) Both float and lead lines.
 - ~~(C) A seine must have~~ (iii) Wood, fiberglass, metal poles, or brails attached to each end.
 - ~~(D)~~ (B) A seine in the water must be attended by persons pulling the seine through the water for the entrapment of fish.
 - ~~(E)~~ (C) A seine must have a tag attached at intervals not less than one hundred (100) feet apart.
 - (6) The following restrictions apply to a slat trap basket:
 - (A) No wire or other mesh may be added to the trap.
 - (B) At least two (2) openings ~~no~~ **not** less than one and one-fourth (1¼) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.
 - (C) The trap shall be ~~no~~ **not** larger than two (2) feet in diameter or square end measure.
 - (D) A tag must be attached to the open ring or square.
 - (i) A license holder must **do the following**:
 - (1) Keep accurate daily catch records on a departmental form of the following:
 - ~~(1)~~ (A) The pounds and species of fish caught by gear type.
 - ~~(2)~~ (B) The number of paddlefish and shovelnose sturgeon caught by gear type.
 - ~~(3)~~ (C) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.
 - ~~(4)~~ (D) The location fished by pool, river mile, and county.
 - ~~(j) The license holder must~~ (2) Submit to the department the completed form required under ~~subsection (i)~~ **subdivision (1)** by the fifteenth day of each month for the preceding month whether the license holder fished or not.
 - ~~(k) The license holder must~~ (3) Allow on-board and dockside inspection of the gear and catch at any time by the director or the director's representative.
- (Natural Resources Commission; 312 IAC 9-8-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*